

ORDINANCE NO. 2009-37

AN ORDINANCE, relating to City Parks, which amends Ordinance 2008-10, Section II and III, reaffirms, reenacts and ratifies Ordinances 2004-39, Sections II and III, 2419 Section 1.01 (except as it pertains to Chapter 6A.18 of the Wenatchee City Code), and repeals Ordinances 2008-10, Section I, 2004-39, Section I, 2004-33, Sections II and III, 2002-04, Section I, 2652, Sections XXXII and XXXIII, and 2419, Section 1.01 (as it pertains to Chapter 6A.18 of the Wenatchee City Code).

WHEREAS, Ordinance No. 2008-10 is in conflict with certain sections of the Wenatchee City Code;

WHEREAS, the City wishes to eliminate such conflicts;

WHEREAS, Ordinance No. 2008-10 incorporates the entirety of Chapter 7.80 of the RCW;

WHEREAS, the City wishes to be exempt from certain provisions of Chapter 7.80 of the RCW;

WHEREAS, the City wishes to reaffirm and ratify certain ordinances that Ordinance No. 2008-10 may have inadvertently affected; and

NOW, THEREFORE, the City Council of the City of Wenatchee, do hereby ordain as follows:

SECTION I.

Ordinance Nos. 2008-10, Section I, 2004-39, Section I, 2004-33, Sections II and III, 2002-04, Section I, 2652, Sections XXXII and XXXIII, and 2419, Section 1.01 (as it pertains to Chapter 6A.18 of the Wenatchee City Code) are hereby repealed.

SECTION II

Ordinance No. 2004-39, Sections II and III, and any amendments thereto, and Ordinance No. 2419, Section 1.01 (except as it pertains to Chapter 6A.18 of the Wenatchee City Code), and any amendments thereto, are hereby reaffirmed, reenacted, and ratified.

SECTION III.

Ordinance No. 2008-10, Section II, also cited as Chapter 6A.18 of the Wenatchee City Code, is hereby amended to read as follows:

Chapter 6A.18 City Park, Open Space, Trails, Public Facilities, and Public Spaces

6A.18.010	Applicability
6A.18.020	Definitions
6A.18.030	Regulations Issued by Parks Director
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6A.18.080	Skateboard Operation
6A.18.090	Trail Use
6A.18.100	Pool Use
6A.18.110	Aircraft
6A.18.120	Rockets
6A.18.130	Restrictions on Animals in Parks
6A.18.140	Overnight Camping
6A.18.150	Campfires and Barbecues
6A.18.160	RESERVED
6A.18.170	Sales/Rentals
6A.18.180	Signposts and Solicitation
6A.18.190	Restricted Areas
6A.18.200	Practicing and Playing Certain Games
6A.18.210	RESERVED
6A.18.220	RESERVED
6A.18.230	Fireworks Prohibited in Parks
6A.18.240	Firearms Prohibited in Parks
6A.18.250	Removal or Destruction of Property
6A.18.260	Encroachments of Park Property

6A.18.270	Infraction Penalty
6A.18.280	Prohibition of Entry Upon or in Public Facilities

6A.18.010 - Applicability

This chapter applies to public facilities and all city owned or operated parks and for any other property under the management of the Parks and Recreation Department including, but not limited to, property commonly known as parks, natural areas, greenways, open spaces, trails, boulevards and plazas. These general regulations are in addition to other applicable City, State, and Federal laws.

6A.18.020 - Definitions

Unless otherwise stated in this chapter the following terms shall be defined as:

- A. "Aircraft" means any machine or device designed to travel through the air including but not limited to: Airplanes, remotely controlled aircraft, helicopters and hot air balloons.
- B. "Alcoholic beverages" or "liquor" includes the four varieties of liquor defined as alcohol, spirits, wine and beer, all fermented, spirituous, vinous, or malt liquor, and all other intoxicating beverages, and every liquor, solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer; all drinks or drinkable liquids and all preparations of mixtures capable of human consumption. Any liquor, semisolid, solid or other substance, which contains more than one percent alcohol by weight, shall be conclusively deemed to be intoxicating.
- C. "Associated marine area" means any water area within one hundred feet of any City of Wenatchee trail, open space, park area or marine facility such as a dock, pier, float, buoy, log boom, or other object that is part of a City of Wenatchee park area, provided that such area does not include private property.
- D. "Bicycles" shall mean non-motorized pedal powered transportation devices including but not limited to, bicycles, BMX bikes and mountain bikes.
- E. "Boat" means any contrivance up to sixty-five feet in length overall, used or capable of being used as a means of transportation on water.
- F. "Camper" means a motorized vehicle containing sleeping and/or housekeeping accommodations, and shall include a pick-up truck with camper, a van-type body, a converted bus, or any similar type vehicle.
- G. "Camping" means erecting a tent or shelter or arranging bedding or both for the purpose of, or in such a way as will permit remaining overnight, or parking a trailer, camper, or other vehicle for the purpose of remaining overnight.

- H. "Campsite" means designed sites used for the purpose of camping.
- I. "Department" means any division of the City of Wenatchee Parks and Recreation Department.
- J. "Director" means City of Wenatchee Parks and Recreation Department Director or designee.
- K. "Facility" means any building, structure, park or other area operated by the City of Wenatchee Parks and Recreation Department.
- L. "Group" means a gathering of fifty (50) or more people.
- M. "Litter" means garbage, refuse, rubbish, or any other waste material which, if thrown or deposited as prohibited in this section tends to create a nuisance which annoys, injures, or endangers the health, safety, or comfort of the public.
- N. "Mechanical trapping device" shall be defined as any device, including but not limited to snares or machines that shut suddenly upon contact by an animal, or a device that kills or inflicts physical pain and injury upon a captured animal.
- O. "Motor vehicle" means any self-propelled device capable of being moved upon a road, and in, upon, or by which any persons or property may be transported or drawn, and shall include, but not be limited to, automobiles, trucks, all-terrain vehicles, motorcycles, motor scooters, jeeps or similar type four-wheel drive vehicles, and snowmobiles, whether or not they can be legally operated upon the public highways;
- P. "Person" means all persons, groups, firms, partnerships, corporations, clubs, and all associations or combination of persons whenever acting for themselves or as an agent, servant, or employee.
- Q. "Picnic" means an outing with food, usually provided by members of the group and eaten in the open.
- R. "Rocket" means any device containing a combustible substance which when ignited propels the device forward.
- S. "Special Event" means any parade, fair, show, festival, carnival, rally, party, filming of a movie, video or television show, motorcade, run, street dance, bike-a-thon, race, walks, athletic event or other attended entertainment or celebration that is to be held in whole or in part upon publicly owned park, or if held wholly upon private property, but will nevertheless affect or impact the ordinary and normal use by the general public of any public park within the vicinity of the event.
- T. "Skateboards" means any means of travel with toy wheels.

- U. "Trail" means any trail, path, track, or right-of-way designed for use by pedestrians, bicycles, equestrians, or other non-motorized modes of transportation.
- V. "Trailer" means a towed vehicle.
- W. "Travel" means all forms of movement or transportation, including but not limited to foot, bicycle, horse and skateboards.
- X. "Travel on a trail in a negligent manner" means any form of travel on a trail in such a manner as to endanger or be likely to endanger any persons or property.

6A.18.030 - Regulations Issued By Parks and Recreation Director

- A. The Parks and Recreation Director is authorized to issue regulations for the use of park property, facilities, and equipment and, with the written agreement of the property owner, regulations which shall apply to the use by the public of private property which is open to public access pursuant to a condition of an open space agreement with the City or other agency.
- B. All agreements between the City and private owners granting access to open space shall authorize entry upon the land by police officers and other city employees to enforce regulations.
- C. The City assumes no liability for the condition of park property subject to the regulations, for the adequacy of the regulations on park property, or for claims for damages arising from the failure to enforce them.

6A.18.040 - Park Scheduling - Permits And Fees

- A. Park facilities are available for public use whenever possible at set hours not conflicting with city programs, emergency or other closures or approved uses. Reservations or scheduling for use of facilities is required for any community special or private events involving more than routine use of a park and is done by contacting the Parks and Recreation Department.
- B. A Special Event Permit is required for those certain uses listed in the Wenatchee Parks and Recreation Policies and Procedures Manual. Permit applications may be obtained from the Parks and Recreation Department.
- C. Payment of user fees and completion of a Facility Reservation Form are required for specific park facility reservations such as athletic fields, stages, picnic shelters, and the City Pool. The fees are set annually.

- D. Persons using facilities by permit will be required to protect, save and hold the City, its elected and appointed officials and employees while acting within the scope of their duties, harmless from and against all claims, demands, and causes of action of any kind or character, including the cost of defense thereof, arising in favor of a person or group's members or employees or third parties on account of any action including but not limited to personal injuries, death or damage to property arising out of the use of premises, or in any way arising out of the acts or omissions of the person, group and/or its agents, employees or representatives.
- E. The misuse of a park facility or the failure to conform to the regulations, the instructions of City of Wenatchee employees, or the conditions of a permit will be sufficient reason for denying any future use.

6A.18.050 - Park Hours

- A. City parks are open to the public from 6:00 a.m. to 10:00 p.m. The parks are closed to public use from 10:00 p.m. to 6:00 a.m., and no person shall enter a closed park without a Special Event Permit.
- B. A violation of this section is a class 3 civil infraction.

6A.18.060 - Motor Vehicle Operation And Parking

- A. No operator of any motor vehicle, shall park such vehicle in any City park area, except where the operator is using the area for the designated recreational purpose and the vehicle is parked either in the designated parking area, or in another area with an approved Special Event Permit. No person shall park, leave standing, or abandon a vehicle in any City park area after park hours except persons using park facilities as part of an event authorized a Special Event Permit. In addition to the penalties in this section, any vehicle found parked in violation of this section may be towed away at the owner's expense.
- B. No person shall operate any motor vehicle on any trail in any City park area unless such trail has been specifically designated and posted for such use. No person shall operate a motor vehicle within the boundaries of a City park area except on roads, streets, highways, parking lots, parking areas, or where otherwise permitted by proper posting. Through traffic is not permitted within the boundaries of any City park or open space.
- C. This section shall not apply to emergency vehicles, city maintenance vehicles, or construction vehicles authorized by the Parks and Recreation Department.
- D. No person shall drive a motor vehicle within any City park area at a speed greater than fifteen miles per hour or as otherwise posted, having due regard for traffic on, and the surface and width of the road, and in no event at a speed which endangers the safety of persons, property, or wildlife.

- E. No person shall clean, wax, polish, service or wash any automobile or other vehicle in any City park area except in areas specifically designated for that use.
- F. No person shall cause a truck or other vehicle while being used for commercial purposes to enter upon, use, or traverse any portion of any City of Wenatchee park area or any park road except in the service of the Parks and Recreation Department, at the request of the employees of the Parks and Recreation Department, or by express permission of the Parks and Recreation Department for a Special Event consistent with City park use.
- G. A violation of this section is a class 2 civil infraction.

6A.18.070 - Bicycle Operation

- A. Bicycles may be operated only on paved or graveled trails or designated pathways within city park property.
- B. A violation of this section is a class 3 civil infraction.

6A.18.080 - Skateboard Operation

- A. Skateboarding is prohibited upon any public sidewalk within city park property without yielding to pedestrians, where signs prohibit the activity, in a manner endangering or likely to endanger the safety of persons or property, while being pushed or pulled by any motorized vehicle, or on any type of ramp or other object upon any sidewalk or trail.
- B. Every person who shall use a skate court or travel on a trail shall obey the Skate Court Use and Trail Policies designated in Wenatchee Parks and Recreation Department Policies and Procedures Manual.
- C. A violation of this section is a class 3 civil infraction.

6A.18.090 - Trails Use

- A. No person shall travel on a trail at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event, speed shall be controlled as may be necessary to avoid colliding with others who are complying with the law and using reasonable care. Travel at speeds in excess of ten miles per hour shall constitute in evidence a prima facie presumption that the person violated this section.
- B. No person shall travel on a trail in a negligent manner. Every person traveling on a trail shall obey the instructions of any official traffic control device applicable

thereto placed in accordance with applicable laws unless otherwise directed by a police officer.

- C. Community and Neighborhood multi use trail corridors, and paved pathways are open to all non-motorized users unless otherwise designated and posted. Pedestrians, bicyclists and equestrians are permitted on all maintained soft surface pathways unless otherwise posted and designated. Trail restrictions may be posted at park entrances, trailheads or, in some cases, individual trails. Trail use designations will be based on the park master plan, resource conservation, trail user conflicts, maintenance issues, and safety hazards.
- D. Every person who shall use or travel on a trail shall obey the Trail Use Policy designated in Wenatchee Parks and Recreation Policies and Procedures Manual.
- E. It shall be unlawful for any person to place, deposit, or otherwise cause or suffer to be located any structure, device, or natural or artificial thing that threatens or endangers any portion of a trail owned or maintained by the City, or that tends to endanger persons traveling thereon, obstructs or tends to obstruct or constitutes a hazard to persons traveling thereon.
- F. A violation of this section is a class 2 civil infraction.

6A.18.100 – Pool Use

- A. Every person who uses the City pool shall obey the Swimming Pool Use Policies designated in Wenatchee Parks and Recreation Department Policies and Procedures Manual.
- B. A violation of this section is a class 3 civil infraction.

6A.18.110 - Aircraft

- A. Launching, takeoff and landing of aircraft is prohibited in all city parks, except: During a city sponsored event or with an approved Special Event Permit; Aircraft used to transport injured persons; evacuees, medical personnel or public officials in the event of an accident, disaster or emergency; Aircraft may be landed in city parks when emergency circumstances prevent landing at other safe locations, provided that the owner submits a written statement explaining the circumstances of the emergency to the City of Wenatchee within seventy-two hours following the emergency landing.
- B. A violation of this section is a class 1 civil infraction.

6A.18.120 - Rockets

- A. Launching of rockets in City parks is allowed in designated city parks with a Special Event Permit and following the specifications designated in the Rocket Use Policy in the Wenatchee Parks and Recreation Policies and Procedures Manual.
- B. A violation of this section is a class 3 civil infraction.

6A.18.130 - Restrictions On Animals In Parks

- A. Except as provided in WCC 5.28.090, dogs and other domestic animals are allowed within those areas of city parks designated in the Dog Use Area Policy in the Wenatchee Parks and Recreation Policies and Procedures Manual.
- B. All dogs, where otherwise allowed on city park property as provided in the above referenced policy, must be under control by means of a leash. This requirement does not apply to areas of park property designated for dog exercise and training or service animals.
- C. Owners and handlers are required to have in their possession the equipment necessary to remove their animals' fecal matter when accompanied by the animal on public property or public easement. Owners or handlers are required to pick-up, bag, and dispose of all animal waste, left by their pets, in a proper disposal can.
- D. Horses are permitted on trails unless otherwise posted and designated. Horses shall be permitted in other City park areas that are specifically posted to permit such activity. Horses shall not be permitted on any designated play area, athletic field, or picnic area. No person shall allow a horse or other animal to stand unattended or insecurely tied.
- E. No person shall hunt, catch, or injure any wild animal or bird on park property.
- F. A violation sections A, B, C, and D is a class 3 civil infraction, while a violation of section E is a class 1 civil infraction.

6A.18.140 - Overnight Camping

- A. Overnight camping is prohibited on park property except at places set aside for such purposes or by Special Event Permit.
- B. A violation of this section is a class 2 civil infraction.

6A.18.150 – Campfires and Barbecues

- A. Campfires are prohibited on park property except in designated areas or by Special Event Permit.
- B. Charcoal and wood fired barbecues are prohibited except in City supplied barbecues or by Special Event Permit. Use of propane barbecues is allowed in designated barbecue areas.
- C. A violation of this section is a class 1 civil infraction.

6A.18.160 - RESERVED

6A.18.170 – Sales and Rentals

- A. The sale of food, drink, other merchandise, or any services on park property is prohibited, unless the seller has a written Concession Agreement and appropriate business licensing with the City.
- B. The rental of any merchandise or materials on park property is prohibited, unless the renter has a written Concession Agreement and appropriate business licensing with the City.
- C. A violation of this section is a class 1 civil infraction.

6A.18.180 - Signposting and Solicitation

- A. It is unlawful to distribute or post any handbills, circulars or place or erect any signboard, sign, advertising, decoration, or similar structure on any park property, without the written permission of the Parks and Recreation Director or designee.
- B. A violation of this section is a class 2 civil infraction.

6A.18.190 - Restricted Areas

- A. It is unlawful for any person except a duly authorized Department of Parks and Recreation or other city employee in the performance of his or her duties, or other person authorized by law, to enter or go upon any area which has been designated and posted by the City of Wenatchee as a "no admittance", "closed to use" or "no trespassing" for the purpose of protecting park property or for protecting the public from conditions which constitute a potential hazard.
- B. It is unlawful for any person to engage in any activity that has been deemed potentially hazardous to public safety or park property, or incompatible with park property usage as designated and posted by the Parks and Recreation Department.

- C. A violation of this section is a misdemeanor.

6A.18.200 - Practicing and Playing Certain Games

- A. No games shall be played or activities undertaken that will cause damage to park property, including turf, or endanger other park users. For example, it shall be unlawful to play or practice golf because of potential turf damage and safety concerns, hit baseballs or softballs in areas where other park users are endangered or engage in other activities that create risk to persons or property (cricket, polo, lacrosse, archery and hockey are examples). Such games may be played or activities undertaken in park areas set apart and/or designated for such purposes by the Parks and Recreation Department.
- B. Except as may otherwise be permitted by the City, games of any kind are prohibited in parking lots and roadways of all City park facilities.

- C. A violation of this section is a misdemeanor.

6A.18.210 – [RESERVED]

6A.18.220 –[RESERVED]

6A.18.230 - Fireworks Prohibited In Parks

- A. No person shall possess, discharge, set off, or cause to be discharged, in or into any City park area, any firecracker, torpedo, firework, explosive, or substance harmful to the life or safety of persons or property, unless so authorized by a Special Event Permit.
- B. A violation of this section is a gross misdemeanor.

6A.18.240 - Firearms Prohibited In Parks

- A. No person shall possess a bow and arrow, crossbow, or air or gas weapon in a city park. No person shall discharge across, in, or into any city park area a firearm, bow and arrow, crossbow, air or gas weapon, or any device capable of injuring or killing any person or animal or damaging or destroying any public or private property except for law enforcement officials acting in official capacity, or discharge of a firearm in defense of self or others.
- B. A violation of this section is a gross misdemeanor.

6A.18.250 - Removal Or Destruction Of Park Property

- A. It is unlawful to remove, injure, collect, gather, or harvest natural resources or other materials on park property except by written permission of the Parks and Recreation Director or designee.
- B. A violation of this section is a misdemeanor.

6A.18.260 - Encroachments On Park Property

- A. It is unlawful for any person other than a duly authorized employee or agent of the City of Wenatchee to do any of the following acts without the written permission of the Parks and Recreation Director: Place, erect, or maintain any structure or obstruction of any kind on park property; Deposit or store any refuse, debris, vegetation, personal property, litter, or any other material on park property; Mow, prune, cut, clear, plant on, or otherwise alter or disturb any park property.
- B. A violation of this section is a misdemeanor.

6A.18.270 - Infraction – Penalty

- A. Violations of this chapter constituting civil infractions shall be enforced and punishable as set forth in Chapter 7.80 RCW, as now or hereafter amended.

6A.18.280 – Prohibition of Entry Upon or in Public Facilities

- A. Policy. The City Council finds that, from time to time, the right of the general public to enjoy public facilities provided by the City is infringed upon by persons who engage in criminal conduct at the public facilities or who possess and consume alcohol at the public facilities in violation of state or local law. The City Council further finds that persons have the right to enter or remain in a public facility, but such right of the person who engages in criminal activity at a public facility is outweighed by the right of law abiding persons to use such facilities without the interference or fear of the criminal activity of others.
- B. Written Order.
 - 1. Issuance of Written Order by Police Officer. Whenever a police officer has probable cause to believe that a person has committed any act set forth in subsection (D) on any public facility then the police officer has authority to issue the person a written order prohibiting that person from entering or remaining in the public facility where the act was alleged to be committed. When a police officer issues a written order, the order shall remain effective for forty-five (45) calendar days from the date of issuance.

2. Issuance of Written Order by Court. Whenever a criminal charge has been filed in a court of competent jurisdiction against a person wherein it is alleged that the criminal conduct occurred at a public facility, the judge, commissioner, or judge pro tempore of the court shall have the authority to issue a written order either while the criminal matter is pending or, if the person was convicted of a criminal charge, as a part of the person's sentencing conditions prohibiting that person from entering or remaining in the public facility where the act was alleged to be committed. When a judge, commissioner, or judge pro tempore issues a written order, the effective date and expiration date shall be set by such judge, commissioner or judge pro tempore; PROVIDED, that the expiration date on such order shall not extend beyond the date which the court has jurisdiction over the person.

3. Contents of Written Order. The written order shall contain:

- a. The name of the person the written order is being issued to;
- b. The name of the person issuing the written order;
- c. The public facility that the person is being prohibited from entering or remaining;
- d. The date the written order is issued;
- e. The date the written order expires;
- f. Specify the alleged misconduct;
- g. Specify that a violation of the written order is a misdemeanor.

C. Violation of Written Order. A person who violates a written order issued pursuant to this section shall be guilty of a misdemeanor.

D. Misconduct to Support Written Order. An act which may result in the issuance of a written order prohibiting a person from entering a public facility includes, but is not limited to, any of the following when committed at the public facility:

1. Any act that qualifies as a felony, gross misdemeanor or misdemeanor crime by federal, state, or local law; and

2. Any act that qualifies as a civil infraction as stated in the Wenatchee City Code.

E. Hearing.

1. Request for a Hearing. If the written order was issued by a police officer, the person prohibited from entering or remaining in the public facility may request a hearing to have the issuance of the order reviewed. Such request shall be in writing and contain a return address that will enable the City to provide such person written notice of hearing dates. The written request for a hearing must be filed with the Department prior to the expiration date of the written order. If a request for a hearing is not timely received by the Department, then the right to a hearing will be waived.

2. Hearing Date. The Chief shall set a hearing to be held within fourteen (14) calendar days of the date such request for hearing is received by the Department. For good cause, the Chief may set the hearing to a date beyond the fourteen (14) days listed herein.

3. Burden. At the hearing, the City must establish by a preponderance of the evidence that probable cause existed to believe that the person committed any act set forth in subsection (D). Proof of probable cause may be established based upon the sworn declarations, including a police officer's report, without further evidentiary foundation. Any sworn declaration may be supplemented by the testimony of witnesses or the presentation of other evidence. The person against whom the order was issued shall have the opportunity to present evidence and testimony, which may be done through sworn declarations, when challenging the written order.

4. Regulation of Hearing.

- a. The Chief shall regulate the course of the hearing.
- b. The Chief shall not be a witness at the hearing.
- c. Either a recording or a verbatim record of the hearing shall be made. Upon request, a copy of the recording or verbatim record shall be provided to the person.
- d. The Chief shall issue a written decision setting forth findings of fact, conclusions of law, and an order affirming, vacating, or modifying the police officer's issuance of the written order.
- e. The written decision shall be provided to the person against whom the written order was issued, or his or her legal counsel, within ten (10) calendar days after the conclusion of the hearing.

- f. The written decision shall be personally served or provided by certified mail, return receipt requested. If service is done by mail, service shall be deemed complete upon the third business day after the date of mailing.
- F. Appeal. An appeal of the written decision issued by the Chief may be filed with the Chelan County Superior Court within twenty (20) calendar days from the date of service of the written decision, or is thereafter barred. Any appeal shall be based on the record from the hearing and shall be upheld unless it is determined that the written decision was arbitrary and capricious. Any appeal shall be conducted pursuant to judicial review under the Administrative Procedure Act as set forth in RCW 34.05.534 through RCW 34.05.574, as now or hereafter amended.
- G. Definition. For the purposes of this Section:
 1. "Public facility" consists of the land, buildings, and structures of any property owned by the City of Wenatchee, and any publicly owned park.
 2. "Department" means City of Wenatchee police department.
 3. "Chief" means the Chief of Police of the Wenatchee police department, or his or her designee.
 4. "Written order" means order prohibiting that person from entering or remaining in a public facility as issued in subsection (B) of this provision.
 5. "Police officer" means a duly appointed city, county, or state law enforcement officer."

SECTION IV.

Ordinance No. 2008-10, Section III, also cited as Wenatchee City Code 6A.18.290, is hereby amended to read as follows:

The following sections of the Revised Code of Washington ("RCW"), as now or hereafter amended, are hereby adopted by reference as part of Chapter 6A.18 WCC in all respects as though such sections were set forth herein in full: RCW 7.80.005, RCW 7.80.010, RCW 7.80.020, RCW 7.80.030, RCW 7.80.040, RCW 7.80.050, RCW

7.80.060, RCW 7.80.080, RCW 7.80.090, RCW 7.80.100, RCW 7.80.110, RCW 7.80.120, RCW 7.80.130, and RCW 7.80.160.

SECTION V.

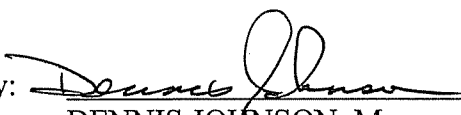
If any section, subsection, clause or sentence of this Ordinance shall be held unconstitutional or invalid, such holding shall not affect the validity of the remaining provisions of this Ordinance.

SECTION VI.


This Ordinance is necessary for the protection of the public health, safety and welfare and shall become effective immediately upon approval and publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF WENATCHEE, at a regular meeting thereof, this 19th day of November, 2009.

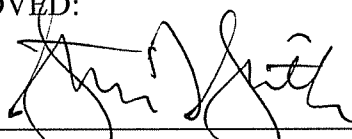
CITY OF WENATCHEE, a Municipal
Corporation

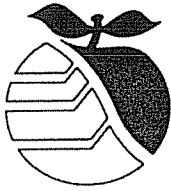
By: 
DENNIS JOHNSON, Mayor

ATTEST:

By: 
BRENDA GUSKE, Interim City Clerk

APPROVED:

By: 
STEVE D. SMITH, City Attorney



**City of
Wenatchee**
Office of City Attorney

MEMORANDUM

To: Mayor Dennis Johnson and City Council

From: Steve D. Smith, City Attorney

Date: November 6, 2009

Re: Ordinance No. 2009-37

Ordinance No. 2009-37 is being proposed to correct certain things that were in Ordinance No. 2008-10. Ordinance 2008-10 established regulations for use of city parks and public facilities and conflicts with other sections within the City Code, such as alcohol use in parks, permitting process for special events, and littering. For example, the conflict within 2008-10 for littering and alcohol use substantially changes the penalties that are located in other sections of the City Code. Alcohol use in parks is a misdemeanor pursuant to Ordinance No. 2006-36 (codified as Wenatchee City Code 6A.20.020). However, Ordinance No. 2008-10 had a conflicting provision wherein alcohol use in parks had a penalty violation of an infraction.

Ordinance No. 2008-10 also incorporated the entirety of Chapter 7.80 RCW. There are certain provisions within Chapter 7.80 RCW that the City should not incorporate, such as RCW 7.80.140 where it allows a successful defendant to be awarded attorney's fees in defending the issuance of an infraction.

The City Attorney's office is requesting that proposed Ordinance No. 2009-37 become effective immediately upon approval and publication as there are concerns pertaining to the protection of the public, health, safety and welfare due to the conflicting nature of Ordinance No. 2008-10 to other sections of the City Code.